

Stephanie Christian

Name

PO Box 90945

Henderson, NV 89009

Prison Number

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Dylan Christian
Plaintiff,

CV-S-04-0390-JCM-RJJ

vs.

CLARK County School District
Gordon McCaw Elementary School

Defendant(s).

**CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983**

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, DYLAN CHRISTIAN
(Print Plaintiff's name)
who presently resides at 284 MAJOR AVE, HENDERSON, NV 89015
violated by the actions of the below named individuals which were directed against
Plaintiff at GORDON McCaw Elementary School on the following dates
(institution/city where violation occurred)
Sept. 5, 2004 (ongoing), and _____
(Count I) (Count II) (Count III)

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DEPUTY

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant CLARK County School District resides at 2832 E Flamingo RD, Las Vegas NV
(full name of first defendant) (address if first defendant) 89121
and is employed as State Agency / Public Entity. This defendant is sued in his/her
(defendant's position and title, if any)
___ individual ___ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

3) Defendant GORDON McCaw Elem. School resides at 57 Lynn Lane Henderson, NV 89105
(full name of first defendant) (address if first defendant)
and is employed as State Agency / Public Entity. This defendant is sued in his/her
(defendant's position and title, if any)
___ individual ___ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

4) Defendant _____ resides at _____,
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
___ individual ___ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

5) Defendant _____ resides at _____,
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
___ individual ___ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

6) Defendant _____ resides at _____,
 (full name of first defendant) (address if first defendant)
 and is employed as _____. This defendant is sued in his/her
 (defendant's position and title, if any)
 _____ individual _____ official capacity. (Check one or both). Explain how this defendant was
 acting
 under color of law: _____

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish
 to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Plaintiff was refused 'related service'
Rectal 'DIASTAT' (a gel form of VALIUM). Defendants
Refused to provide a school nurse or a qualified
person on school campus (Gordon McCaw Elementary
School) to administer (this rather simple procedure)
IN the event of a prolonged seizure (over 5 minutes)
Rectal DIASTAT can stop brain damage and/or
save a life, and is necessary for Dylan to attend
school on a daily basis. Defendants not only
Refused to provide this service at Gordon McCaw
School, but Refused to allow parent or grandparent
to administer this potential life saving medication.
(BY SERVING TRESPASS. NRS. 207.250.. ON BOTH FAMILY MEMBERS)

C. CAUSE OF ACTION

COUNT I

(Discriminating against him because of his disability)
FAILURE TO PROVIDE (IMMEDIATE)

The following civil rights has been violated:

Rectal DIASTAT (VALIUM) a nurse, or qualified person
TO ADMINISTER MEDICATION, IN THE EVENT OF A PROLONGED
SEIZURE (LASTING 5 MINUTES), REFUSAL TO ALLOW ANY ONE
TO PROVIDE THIS SERVICE, OTHER THAN - 911 (AT SCHOOL)

Supporting Facts: [Include all fact you consider important. State the facts clearly,
in your own words, and without citing legal authority or argument. Be sure you
describe exactly what each specific defendant (by name) did to violate your rights].

THE SCHOOL (GORDON MCCAW ELE. SCHOOL) & ('CCSD') CLARK
COUNTY SCHOOL DIST. HAVE + CONTINUE TO VIOLATE DYLAN C.'S
RIGHTS BY REFUSING TO PROVIDE A NURSE, OR QUALIFIED
PERSON ON CAMPUS TO ADMINISTER RECTAL DIASTAT
IN THE EVENT OF A PROLONG SEIZURE (5 MIN)
THEY HAVE ALSO REFUSED TO ALLOW HIS PARENT
OR GRANDPARENT TO PROVIDE THIS - LEAVING HIM
IN HARMS WAY, LOSS OF EDUCATIONAL OPPORTUNITY,
CHILD ENDANGERMENT, EMOTIONAL HARM, AND IN
RETALIATION FOR FILING A FORMAL COMPLAINT THEY
SERVED A NOTICE OF 'TRESPASS' NRS. 207.200 ON BOTH
MOTHER AND GRANDMOTHER WHILE TRYING TO PROTECT, AND
PROVIDE AND PREVENT AN EMERGENCY SITUATION FROM
HAPPENING. RECTAL DIASTAT IS A MEDICATION THAT
IS (SIMPLY) ADMINISTERED BY 'SYRINGE' AND WHEN
GIVEN IMMEDIATELY CAN STOP BRAIN DAMAGE
AND/OR SAVE A LIFE. THIS IS A RELATED SERVICE
THAT DYLAN REQUIRES IN ORDER TO ATTEND
SCHOOL.

The following civil rights has been violated: _____

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outline).

- a) Defendants: CCSD Clark County School District
- b) Name of court and docket number: _____
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):
Pending
- d) Issues raised: Deliberate Indifference, (among others)
Discrimination, For Failure to provide nurse
qualified person or allow 'any' person to administer
immediate medication - rectal diazepam
- e) Approximate date it was filed: 3-31-04
- f) Approximate date of disposition: _____

- 2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?
___ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): ___ frivolous
___ malicious or ___ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____
- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____

- c) The case was dismissed because it was found to be (check one): _____ frivolous
 _____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____
- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
 _____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____
- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes ☐ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) _____ disciplinary hearing; (2) _____ state or federal court decision; (3) _____ state or federal law or regulation; (4) _____ parole board decision; or (5) _____ other _____.

If your answer is "Yes", provide the following information. Grievance Number _____

Date and institution where grievance was filed Sept 16, 2003 Filed

Due Process, Dec 11, Filed Appeal to (SRO)
State Review Officer - NY Dept of Education.

Response to grievance: _____

It is our belief that the (SRO) made
his Review in error, as well as the hearing officer.

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

Injunctive - Require School District to
Provide Related Service to Student, immediately
without Segregation, to follow laws of Inclusion
Monetary - Compensatory + punitive
For Violating Dylan's Basic Civil Rights
To life, liberty, + the pursuit of Happiness.
Safety + the Pursuit of Happiness, we pray -
"in excess of \$10,000."

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Stephanie Christian
(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)

Dylan Christian, by and
(Signature of Plaintiff)
through his parent and
next friend Stephanie Christian
March 31, 2004
(Date)

(Additional space if needed; identify what is being continued)